

ULSTER TOWN BOARD MEETING
JUNE 19, 2008 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

PUBLIC COMMENT

Robert Barton – Inquired about why there is a site plan extension for Memorial Drive Plaza?
What is the Route 28 resolution for?

Supervisor Woerner reported that it is usually customary to offer a site plan extension. They requested an extension. The Route 28 resolution is a request to look at the whole road rather than just a section of it and install a traffic light there.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman Joel Brink motioned to approve the minutes of May 1, 2008 and May 15, 2008.
2nd by Councilman David Brink
All Ayes

COMMUNICATIONS – none

COMMITTEE REPORTS

Councilman Secreto reported, from the Buildings and Grounds Committee, that the Robert E. Post Park Pavilion has been completed. The Highway Department is dressing up the park area. Sean Ennist is still working on his Eagle Scout project to build the cooking pavilion. He thanked the Highway Department for their work at the Town Park.

Councilman Secreto reported, from the Parks and Recreation Committee, that summer camp will be opening June 30th. The town football league is forming. They are looking to join the Pop Warner Football league. There will be flag football for the younger children.

Councilman Secreto reported, from the Highway Committee, that they had paved around the large pavilion at Robert Post Park. Councilman Joel B. Brink thanked the Highway Department for their work.

Supervisor Woerner reported under the Insurance committee that he had a meeting with Selective Insurance, the Town's insurance company, the town engineers, and the town attorney to discuss the costs for rebuilding the pavilion. The overall cost for the pavilion is estimated at \$311,000.00. This cost may go up or down. There was a discussion about the general and liability insurances for the town. They are interested in quoting health insurance for the town. Furthermore, he was informed by the State of New York that the Empire health care plan will

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have some significant increases, around 15-20%. He will give a report next month on where the town stands on the budget. The sales tax and mortgage tax is significantly lower than in previous years. He has frozen all non-contractual spending of all departments.

Councilman Joel B. Brink reported, at the recent Finance Committee meeting, that the bills were audited for the abstract and everything was fine.

Councilman Joel B. Brink motioned to hire Saskia Rosier as a part-time court clerk at a rate of pay of \$8.50 an hour effective June 9, 2008 with work not to exceed 20 hours a week.

2nd by Councilman David Brink

All Ayes

Councilman Joel Brink reported, from the Personnel Committee, that the summer beautification program will need 6 people for the Highway Department and 1 each for the Water Department and Waste Water Departments. There are also 30 counselor positions open for the summer camp program. That number may change depending on how many applications are received.

DEPARTMENT HEAD REPORTS

Town Assessor – James Maloney, the Town Assessor, reported that the town's 2008 assessment role has been ordered. He strongly recommended that the budget be as flat as possible because of the limited growth in the 2008 roll. For the Flood Mitigation, the Army Corp. of Engineers is looking for a phase 2. They need a local partner which may be the DEC.

Building Department – Paul Economos read the monthly report and accounted for some building code violations. The number of field inspections has been substantial.

Town Clerk's Office – Town Clerk Cosenza read his monthly report. The NYS Tax Collector's Conference yielded import information for credit card collection for taxes.

Water Department – Paul Vogt reported that the recent 4.8 M gallon water tank inspection for the Ulster Water District went well. It needs to be reinspected in 3 years. Eight of the original fire hydrants in the Ulster Water District have been replaced, leaving 45 left to go.

In Halcyon Park, well #2 is having problems. It is losing some of its capacity. It may need work this year. There was a discussion in regard to the water tank for East Kingston.

Waste Water - Waste Water Superintendent, Corey Halwick, reported that, all things considered, the sewer systems are working satisfactorily.

Police Department – Police Chief Paul Watzka read the monthly report. He added that the police will do a child finger print program at the Ten Broeck Commons 15th anniversary carnival. The department has two new cars coming that were paid for from a \$50,000 grant from Senator Bonacic and another grant for equipment in the amount of \$10,000.

Highway Department – Highway Superintendent Frank Petramale reported that the Glenerie area was hurt badly by a recent storm. His department was able to clear the roads for emergency services to respond. He requested that the Town Board go out to bid for the surplus equipment that was presented last month. He suggested that the Town enter into a shared service agreement with fire districts for fuel distribution system as their current system is ailing. This would qualify the town for grant money. The town received a grant to send a town employee to attend an MS4 stormwater class. The only cost would be the time of the employee and the travel expense. The department has been performing some patchwork. There was some storm brush and branches

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that were left at the Ulster Hose Station #2 that will be ground up later to save money on logistics and transportation.

Supervisor Woerner stated it is the Highway Superintendent's prerogative to send the employee to the MS4 Class. He requested a memo be sent out as to who is sent.

Councilman David Brink motioned to authorize the Town Clerk to go out to auction for the town's surplus equipment.

2nd by Councilman Joel B. Brink

All Ayes

Supervisor Woerner opened the public hearing on the Town's MS-4 Storm water report for 2008 at 7:44 PM

Highway Superintendent, Frank Petramale, reported the purpose of MS-4 is to monitor, protect and clean water runoff. A good portion of the town's drainage has been mapped out. About 50% of the Town is required to be MS-4 compliant. The town will need to adopt local laws for storm water runoff and the Planning and Zoning Boards may want to expand the MS-4. When the laws are adopted, they need to be filed with the state. The town is ahead of many other municipalities in the state. Arial maps of the MS-4 district can be viewed at the Assessor's Office. He thanked James Maloney and Nancy France for their work on the GIS system and printing out the maps. There are still items that need to be mapped out.

Robert Barton inquired on what MS-4 stood for and who is responsible for detection of contamination.

Highway Superintendent Frank Petramale stated that it stands for Municipal Separate storm water systems. The Town does inspections as it collects its data. If there is anything detected, the health department is notified and if it is major, the DEC is notified. The contaminants that they are looking for are grass clippings, oil and pesticides.

Councilman Secreto motioned to close the hearing at 7:48 PM

2nd by Councilman Joel B. Brink

All Ayes

ABSTRACT OF CLAIMS

Councilman Joel Brink motioned to approve the following:

| FUND | CLAIM # | AMOUNT |
|--------------------|----------|------------------|
| UTILITIES | | |
| GENERAL | 601-623 | 11,978.11 |
| ULSTER WATER | 601-609a | 10,648.09 |
| HALCYON PK. WATER | 601-602 | 540.02 |
| SPRING LAKE WATER | 601-604 | 314.43 |
| BRIGHT ACRES WATER | 601 | 303.54 |
| GLENERIE WATER | 601-602 | 36.00 |
| WHITTIER SEWER | 601-602 | 824.29 |

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| | | |
|-----------------------|---------|-----------|
| ULSTER SEWER | 601-605 | 13,710.70 |
| WASHINGTON AVE. SEWER | 601 | 40.68 |
| SPECIAL LIGHT | 601-606 | 3,254.84 |

| | | |
|-----------------------|----------|------------|
| ALL OTHERS | | |
| GENERAL | 601-6177 | 375,805.42 |
| HIGHWAY | 601-645 | 83,274.83 |
| WHITTIER SEWER | 601-605 | 228.43 |
| ULSTER SEWER | 601-626 | 21,654.30 |
| ULSTER WATER | 601-632 | 32,921.60 |
| HALCYON PK. WATER | 601-605 | 1,701.34 |
| SPRING LAKE WATER | 601-602 | 50.00 |
| BRIGHT ACRES WATER | 601-608 | 2,056.62 |
| CHERRY HILL WATER | 601-603 | 737.14 |
| GLENERIE WATER | 601-602 | 50.00 |
| EAST KINGSTON WATER | 601-602 | 50.00 |
| INSURANCE (ALL FUNDS) | 601-619 | 112,653.83 |
| MEDICARE REIMB. | | 12,721.05 |

| | | |
|--------------------------|---------|-----------|
| CAPITAL PROJECTS | | |
| TRUST & AGENCY | 601-618 | 10,742.50 |
| DRAINAGE PROJECTS | 601-602 | 907.50 |
| EAST KINGSTON WATER | 601 | 160.00 |
| EAST KNG. WATER LATERALS | 601-606 | 4,537.50 |

| | |
|--------------|----------------------|
| TOTAL | \$ 701,902.76 |
|--------------|----------------------|

2nd by Councilman Secreto
A Roll Call Vote was taken – All Ayes

Councilman Secreto moved to approve the following:

BUDGET MODIFICATIONS

| | | |
|---------------|--|---------|
| General Fund: | Modify Appropriation A7140.200 (Equipment) to be funded through (Approp. Reserve-Softball) electric bill Central Hudson | \$29.16 |
| | Modify Appropriation A7140.200 (Equipment) to be funded through A5110 Approp. (Approp.Reserve-Softball) electric bill Central Hudson | 275.27 |
| | Modify Appropriation AQ7140.200 (Equipment) to be funded through A5110 Approp. Reserve-Softball) electric bill Central Hudson | 29.16 |

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| | |
|--|-----------|
| Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Softball) various supplies from Herzog Supply | 691.80 |
| Modify Revenue A2680 (Insur. Recoveries) and Appropriation A3120.421 (Veh.Main.) check from Selective Insurance repairs to 06" Chevy Impala (Police) loss date 4/19/08 | 842.81 |
| Modify Revenue A2189 (DWI-Task Force and Appropriation A3120.102 (DWI Wages) reimb. from UL.Co. Treasurer for March DWI reimb. | 552.88 |
| Modify Revenue A2770 (Misc. Revenue) and Appropriation A1420.400 (Legal Fees) check from IBM Corp. for legal fees for temporary and permanent easement | 3200.00 |
| Modify Revenue A2770 (Misc.Revs.) and Appropriation A1620.400 (Maintenance) check from Sedwick Claims Management Services, in on Behalf of Verizon Communications Reimb. To Crosspoint Solutions to transfer lines to fiber optic T - settlement of all claims for property damage | 3856.28 |
| Modify Revenue A2680 (Insurance Recoveries) and Appropriation A7110.201 (Post Park Pavilion) partial payment from Selective Insurance for Pavilion Collapse | 75,000.00 |

2nd by Councilman David Brink
A Roll Call Vote was taken – All Ayes

Supervisor Woerner opened the public hearing with the Town Planning Board for the zoning change requested by the Mid-Hudson Valley Federal Credit Union at 7:51 PM.

Planning Board Members George Lucente, Renno Budziak and Gerard “Ozzie” Beichert were present. Mary Secreto, Planning Board Secretary was present.

Mr. Budziak excluded himself from questions and discussion due to his business relationship with Win Morrison Realty, the broker of record for the developer.

Mike Morando, a representative from the Credit Union gave an overview of the project. They petitioned for a rezone change, a R-10 parcel of property to an LC and use it in combination with adjacent LC property for the creation of a 66 space parking lot. This is an unlisted action, but the applicant has agreed to participate as a type 1 action with a greater SEQR review. There is no access to be used or proposed for Stoll Court. There was confusion about a local law being introduced in the public hearing notice. He stated that the local law was introduced through the petition that was submitted and that the Town would have to adopt a written law as to what they wanted. He did submit a draft law for consideration.

Supervisor Woerner stated that no action would be taken on this matter at this meeting.

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Mr. Pritcor gave an overview of the property with a site map. The project falls under MS-4 storm water requirements and they are met. The lighting standards are matched to those of the bank's current parking lot. There is a lot of landscaping that recaptures water.

Alan J. Sorensen reported that, in the plan, he requested that a buffer of existing green space along Stoll Court not be disturbed.

Mr. Bill Spearman, the CEO of the bank, gave a brief history of the Mid-Hudson Valley Credit Union and stated that its success has created a need for more parking for its employees and members.

A gentleman expressed his concern about the parking lot becoming a strip mall later on.

Mr. William Street read a letter into the record against the proposed zoning change (exhibit #1).

Brett Kropf inquired if the letter was written before the recent changes. Mr. Street confirmed that the letter was written before the newly proposed changes.

There was discussion about a covenant or deed restriction that the Credit Union would offer in exchange for the approval. The Credit Union didn't want to commit about these as they are permanent.

Mr. Bruce Latorre inquired about hours of parking, trespassing and privacy.

Mr. Bill Spearman stated that the parking lot was for day-time employees. At night they encourage their employees to park closer to the building. The credit union has a 24 hour staff. They will depend on the town police to patrol the area. There are no fences to prevent walk through traffic. The area is not a comfortable walk through with the landscaping.

Mrs. Concetta Chandler, the owner of the property for sale was surprised about her neighbors' concerns about the walk through traffic on her land. She has been policing it without anyone's help and none of her neighbors have spoken to her about the issue before the meeting. She also has found trash and grass trimmings on her property.

Brett Kropf asked for clarification on whether Mrs. Chandler's house would be removed.

Mrs. Chandler confirmed that her house would be removed and be a part of the site plan.

John Boyd read a letter for the record against the zoning change (exhibit #2).

Councilman Kitchen left the meeting at 8:43 PM

Mrs. Stacey Kuhnel read a letter for the record against the zoning change (exhibit #3).

Councilman Kitchen returned to the meeting at 8:47 PM

Mr. John Miggins read a letter for the record against the zoning change (exhibit #4).

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A gentleman from the audience read a letter for the record against the zoning change (exhibit #5).

Karl Fitter read a letter for the record against the zoning change (exhibit #6).

Mr. James Simmons requested that the entrance near the current Credit Union parking lot be moved further down or merged with the other entrance to minimize left hand turns as it ties up traffic. As it stands now, it will allow four stops for left hand turns into the area.

Mr. Bill Spearman noted for the record that the new renovations remove two parking spots. The five lane "diveups" were built with the building when it was originally constructed.

Councilman Secreto motioned to close the public hearing at 8:57 PM
2nd by Councilman Joel B. Brink
All Ayes

Supervisor Woerner announced that there will be no July 3, 2008 Workshop meeting. The next Town Board Meeting will be July 17, 2008.

Town Summer Camp Program

Councilman Secreto reported that the summer camp will start June 20, 2008 and will run eight weeks. The Town had more children sign up for camp than last year.

Memorializing resolution in regard to safety improvements on Rt. 28

Supervisor Woerner requested that the Town Board execute a letter he will write requesting that the state review the whole Route 28 for traffic safety and to install the proper traffic devices needed in the area.

Issuance of an extension of site plan approval for the Memorial Drive Plaza.

Councilman David Brink moved to add a six month site plan extension for the Memorial Drive Plaza
2nd by Councilman Secreto
All Ayes

Setting a public hearing for the proposed RUSI Holdings/Blockbuster Plaza.

Councilman Joel B. Brink motioned to set a public hearing for July 17, 2008 at 7:45 PM RUSI Holdings for 1306-1308 Ulster Avenue
2nd by Councilman Secreto
All Ayes

Appointment of a Commissioner to the Kingston Area Public Access Commission.

Councilman Secreto moved to appoint Lisa Alt as the Town of Ulster Public Access Commissioner
2nd by Councilman David Brink
All Ayes

Appointment of a Commissioner to the Town of Ulster Recreation Commission.

Councilman Kitchen motioned to appoint Salvatore J. Guido III as a member of the Town of Ulster Recreation Commission
2nd by Councilman Secreto
All Ayes

Councilman Secreto motioned to install “No Parking” signs on the east side of Planfield St. from the corner Stahlman Plane along the County property edge for 200 ft.
2nd by Councilman David Brink
All Ayes

Supervisor Woerner reported that the Scuff Laws, parking regulations, are under review by himself and Lt. Taggard. They are looking to change them to allow the town to suspend a person’s license if a ticket it is not paid. He is also looking for new ticketing devices that would make the process easier and more effective.

Mr. Brooks requested more police be hired. He inquired if the summer camp allows children from other communities to participate?
Supervisor Woerner reported that the camp does take in children from all over. Children from other towns pay a higher rate.

Mr. Reno Budziak inquired about why IBM contributed money and the insurance claims in the budget modifications?
Supervisor Woerner stated that IBM reimbursed the Town for work performed by the Town Attorney. The insurance claim was a lightning strike that damaged some town equipment.

Mr. James Simmons suggested that the Town charge or add a surcharge for traffic tickets.

Superintendent Petramale reported that the traffic signs are going to be standardized by the Federal government, so all the traffic signs on private land have to meet the standard. The “children at play” signs are no longer valid.

Councilman Kitchen motioned to adjourn the meeting at 9:25 PM
2nd by Councilman Joel B. Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

In response to Mid-Hudson Valley Federal Credit Union's March 10, 2008 petition for a zoning district change of 1.31 acres from R-10 Residential to LC Local Commercial and request for site plan approval, we believe that the petitioner's rationalization is shallow-based and self-serving and completely discounts the community's well-founded concerns regarding the long term negative impact that this request will have on the affected neighborhood. We want to submit to you our collective and balanced counterpoints which will bear out that the associated negative impact on the affected neighborhood will far outweigh the inconsequential benefit that could potentially be derived from the proposed zoning change and the accompanying site plan as currently proposed.

First of all, it should be duly noted that previous zoning change request for the subject parcel were denied based on the rational and pragmatic objections that were expressed by the neighborhood. The underlying objections expressed at that time are the same reasons that have been validated today and they have not changed during the intervening time frame.

In its petition, the Credit Union stated that the ultimate test of whether a proposed amendment to a zoning regulation is valid is "whether the change is part of a well considered and comprehensive plan calculated to serve the general welfare of the community." To that point, it must be noted that the vision statement of our adopted Comprehensive Plan states: "it is the goal of the Town of Ulster Comprehensive Plan to form an inclusive plan which fosters growth and development while preserving the integrity of the Town. Residential and business growth will be managed to retain our rural and historic character and a quality environment..." It does not state that residential neighborhoods should be sacrificed for the purpose of advancing incompatible and encroaching commercial development at the expense and exclusion of the residential stake holders. It is stated in the body of the Comprehensive Plan that "in order for the Plan to be effective, the Town of Ulster must actively apply the policies that are contained within the Plan. Furthermore, its Planning Board and Zoning Board of Appeals must use the Plan as a framework to guide their decisions with respect to the review of development proposals." Regarding land use regulations, the Plan clearly states that "there was also a sense that existing regulations did not do enough to ensure that there was a sufficient buffer between residential development and commercial development." During the creation of the Plan, and during the resident survey phase, residents were given a list of issues and were asked to rate each by their level of importance to them and the highest rated issue was that "of protecting private property rights." Residents were also asked how important it was for the Planning Board to review various aspects of site plans and one of the highest values was: "...the need to assess the potential impact on nearby residences." Regarding the identity of community values, survey responses clearly suggest a desire by the community "for stronger code enforcement." The Plan also clearly states that "the Town's Zoning Code must be consistent with its Comprehensive Plan." It also stipulates "that the Town strictly enforce its existing site plan review in order to ensure that new development complements rather than detracts from the Community's character." While creation of a Comprehensive Plan is not required under NYS Law Section 272-a, once one is adopted, as it has been by the Town, all subsequent land use regulations must be in accordance with a community's adopted Comprehensive Plan.

While the Credit Union may consider its function as one that serves the general welfare of the community, its function however cannot be characterized as being critical to the community to the extent that it should warrant ill advised zoning change at the expense of the local residents. Such action would be a gross violation of the intended spirit and objective of the Comprehensive Plan. There already are many other local alternative banking services available to the general public including a new Credit Union to be opened soon on 9W and therefore there will be no associated hardships created by denying the requested zoning change. While the general character of Morton Blvd., more specifically the east side, is of a commercial nature, the west side most proximate to the residential district has retained its residential character and has been, and must continue to be, an effective transition buffer between the commercial sector and the heavily populated residential neighborhood. Allowance of a life altering residential zoning change will have a destabilizing effect on the status quo which currently exists between residential and commercial uses and based on this critical precedent, will embolden other adjacent neighbors and other commercial entities to challenge residential zoning as well. You must not allow this precedent to become a reality. The dynamics of neighborhood deterioration and decay are well understood, with the common initiating component being the lack of strict zoning enforcement and irresponsible zoning changes. Recently Kingston faced a similar zoning change scenario in which Quick Check also petitioned for a zoning change to one of the residential parcels but the request was denied in recognition of the detrimental effects that a zoning change would have on the neighborhood as well as the precedent setting aspects of the decision. We appeal to the Town Board to deny the requested zoning change based on the same pragmatic reasons and on the same consistent basis that a previous zoning change request for this lot was previously denied.

The petitioners have characterized themselves as being good stewards and corporate citizens but they must recognize that retention of that characterization must be earned through its long and short term beneficial practices and actions and trust but not through irresponsible and self centered exploitation of an adjacent neighborhood by means of strong-arming a zoning change. The petitioners' short sighted notion that commercial development in this residentially zoned district would be more desirable than housing development, defies sensibility and simple logic. The neighborhood will overwhelmingly support residential development but is equally opposed to incompatible commercial development on this residential lot. Just because there may be mixed land uses along the Morton Blvd. corridor, doesn't provide the petitioner an unchallenged license to change restricted land uses for commercial development. Development must be consistent with existing land use and historical residential settlement patterns which pre-existed commercial development. Therefore the petitioner's request for a zoning change must be denied.

At the last Planning Board meeting, one of the board members had proposed a pragmatic compromise which, if accepted, would mitigate identified site specific adverse impacts and would yield a practical and workable solution for the Credit Union's need for additional parking spaces and at the same time provide the adjacent neighbors' need to retain the character, integrity and privacy of the neighborhood. The recommended compromise suggested no zoning change but which would still allow the petitioners to achieve their main parking lot objective but with a minimally scaled back parking space count. Retention of neighborhood character and privacy would be accomplished through greater set-back between residential property lines and the proposed parking lot, more undisturbed open space as well as a greater sense of privacy derived from a combination of earthen berms, privacy fencing and plantings. We hope that all the decision makers will appreciate and embrace the synergistic and equitable value that this suggested compromise presents to all interested parties and stakeholders alike.

June 19, 2008

My name is John Boyd; my address is 1085 Stoll Court; my residential property is adjacent to the residential property that the town is considering rezoning to commercial.

The stated purpose of this re-zoning is to permit the credit union to extend their parking lot. The problem is that once the property is re-zoned to Commercial, it will be much more difficult for this or a later Town Board to prevent other use. Right now it is zoned Residential, and that is an easy status for the Town to maintain -- there is no compelling legal reason for the Town Board to violate the current zoning.

But, if the parking lot is restricted to the already zoned commercial property and the drainage and screening, which are not commercial, are the only items allowed on the residential property, then this property should be able to remain zoned residential; if it can't, then the whole project should be stopped, since under no circumstances is it reasonable or desirable to rezone residential property on a residential street in the Town of Ulster.

So confident do the proponents of re-zoning appear to be, that the Town Board has scheduled for this same session, a Site Plan hearing. This is an opportunity for residents to comment on how the Site should look after it is re-zoned. How do you feel about 20 foot high lighting towers at the end of the street? How do you feel about increasing the foot traffic on our street with more people coming down the street to cut across the parking lot? How do you feel about a parking lot replacing the residential area you now see when you look down the street? And what about a parking lot -- one that cannot be clearly observed and policed by the credit union personnel. Will it become an attractive nuisance, bringing recreational users and others to a seldom used paved surface?

Rezoning has been proposed in the past, and was rejected when every single property owner on Stoll Court, both spouses where applicable, signed a petition against destroying the residential nature of our street. There is no difference now, and there is still no compelling reason to destroy our street's integrity.

Mr. John Boyd
Exhibit #2

screening that will be provided by a limp line of evergreens that will take years to mature and fill out.

3. There is no definition of what will become of the area that projects into what was and should be part of Stoll Court; currently, it is an eyesore, but it is green!

4. The proposed new screening is totally inadequate to block car lights and the parking lot from nearby homes.

5. There has been no scientific study of the appropriate height of an earthen berm or of the height of fences and how they should relate to the earthen berms. It just isn't feasible to sit in a town hall meeting room and decide what will provide screening for neighbors whose homes they haven't seen, much less measured scientifically against the requirements for shielding.

6. The sidewalk for employees to access the credit union has little room to pass the culvert over the Bear Cat Kill, and then it dumps the employees into three lanes of heavy traffic entering and leaving the current lot.

7. There has been no study of the number of additional employees the new lot will provide for, thus providing not an iota of justification for the dramatic rezoning the credit union is requesting.

8. There has been no consideration of the fact that during the recent construction phase, half of the current lot was blocked off and there was still plenty of parking for staff and customers. Currently, the lot is never full.

9. There has been no traffic study. Currently there are numerous driveways on both sides of Morton Boulevard for the credit union, strip malls, other businesses, and residences. Another set of driveways will aggravate the problems of traveling on this street.

10. There has been no description of how this incursion into Stoll Court fulfills the Town Comprehensive Plan or the desire to maintain and improve residential integrity.

In summary, this rezoning proposal is poorly constructed, and clearly not in keeping with "protecting the character and integrity of established residential areas for area residents...."

Nick Woerner, Town of Ulster Supervisor
1 Town Hall Drive
Lake Katrine, NY 12449

Re: Mid Hudson Valley Site Plan Review

Mr. Supervisor:

Before any decisions are made regarding the site plan for the Credit Union, I would like to call to your attention and that of the entire Town Board, Town Code article 1 section 190-2, Authority and Purpose. This chapter is enacted by authority Article 16 of the Town Law of the State of New York and section 10 of the Municipal Home Rule Law, to protect and promote the public health, safety and general welfare, including the following purposes:

- A. To guide growth and future development of the town;
- B. To protect the natural and manmade environment of the town, and to encourage the orderly and beneficial development of land;
- D. To promote compatibility between the uses of both land and buildings;
- E. To afford residents and property owners reasonable expectation of future use on adjacent properties;
- G. To protect the character and integrity of established residential areas for area residents, and;
- I. To promote equal opportunity for residential and commercial development.

Furthermore, in section 190-9, Existing uses; effect of regulations, it states:

A. Bill of Rights for existing uses and structures. The Town Board hereby establishes a Bill of Rights for all existing uses and structures in any zone. Zoning prevents incompatible uses which destroy town residents' peaceful enjoyment of property. Zoning preserves all property values and recognizes the special status under law of the single-family dwelling.

In conclusion with all of these facts being stated, if the site plan for the Credit Union is approved it would be in direct conflict with the Town of Ulster code. If this site plan is approved a precedent will be set and the property right's of the Town of Ulster residents will not be protected.

Mrs. Stacey Kuhnel
Exhibit #3

There seems to be a pervasive and free wheeling mind-set on the part of Town Government and Planning functions that encroaching and incompatible commercial development should preempt rational and sound planning practices as they relate to preserving the best interests of residential neighborhoods. Unsound planning actions and lack of strict zoning enforcement have consistently threatened our neighborhood's integrity and diminished its residential character and quality of life factors which are so vital to the overall welfare of our children and families. Despite consistent and emphatic concerns expressed by the constituency, Town Government continues to disregard local property rights and demands for demonstrated sound planning actions. Once again we are faced with another site plan application which appears to be on a fast track for approval without regard for effective and forward thinking planning principals which if applied will prevent irreversible decay of vulnerable neighborhoods.

It is regrettable that the elected and appointed Town officials who have been entrusted to serve in our best interests do not seem to recognize nor comprehend the ineffective nature of our Planning function and perhaps the September 26, 2007 Daily Freeman characterized it best in its general assessment. The editorial questions whether planning decisions that are executed are ever going to be consistently grounded in sound planning principles? The editorial further states:

"...evidence suggests that the Town has operated not on sound planning principles but rather under the short-term illusion that greasing the skids for development, at any cost, is a good deal." We emphatically stress that it is not! The editorial further states that: "...the evidence is everywhere that planning in the Town of Ulster is not protecting citizens and property owners as it should."

The Hudson Valley Credit Union's petition for combined site plan approval, use variance, zoning change and lot line revision is an arbitrary and ill conceived application which totally discounts community concerns regarding the destructive impact it will have on an already very fragile and vulnerable neighborhood and the long term negative consequences that will have to borne by the entire residential neighborhood. We request that the zoning change request for the residentially zoned lot be denied and that the site plan be modified to reduce the number of requested parking spaces so that a greater sense of privacy can be realized by the neighbors most directly impacted by the petitioner's site plan proposal. We also request that the proposed non-descript wooden shield be replaced by a combination of naturalized earthen berm, plantings and wooden fencing. We believe that this request represents a fair and equitable compromise which respects the community's concern for the preservation of the neighborhood's long term integrity, character and quality of life and the petitioner's request for growth opportunity.

Mr. John Miggins
Exhibit #4

**Congress shall make no law ... abridging
the freedom of speech or of the press ...**
— from the First Amendment (1791)

A4 ■ Wednesday, September 26, 2007 ■ www.midhudsoncentral.com

Opinion

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Editorial

Seeking a better plan

The Ulster Town Board is fussing over whether to turn over site plan review of major projects to the town's Planning Board.

With all due respect to Ulster officials, elected and appointed, the to-do is a bit like rearranging the deck chairs on the Titanic.

In most area towns, villages and cities, the appointed municipal planning board has responsibility for administering town planning regulations as enacted into law by the elected governing board.

But not in the town of Ulster, where the Town Board rules on major projects.

A move last week toward divesting that authority from the Town Board to the Planning Board floundered.

But the real issue in the town of Ulster is not who makes planning decisions, but whether the decisions made are ever going to be consistently grounded in sound planning principles.

The evidence suggests the town has operated not on such principles, but under the short-term illusion that greasing the skids for development, at any cost, is a good deal. It is not.

The commercial-retail mess in the town of Ulster makes shopping in the county's retail hub a frustrating and hazardous experience for all county

residents. In the bargain, it also manages the not inconsiderable trick of making a convincing argument against the otherwise sound principle of local control over local planning.

The evidence is everywhere that planning in the town of Ulster is not protecting citizens and property owners as it should. Witness:

- The left-turning, crossing traffic into the Wal-Mart parking lot from Frank Sottile Boulevard.
- The narrow and winding circumferential road at the Hudson Valley Mall.
- The unlimited curb cuts on Albany Avenue.
- The lack of sidewalks in dense residential areas, including near schools.
- The ticky-tack Washington Avenue entry into the city of Kingston, in stark contrast to the well-considered landscaping job the state did on the Thruway exit roundabout.

Just to name a few.

The town of Ulster needs to have a serious discussion about elevating the importance of planning to the quality of life and safety of shoppers and residents.

Failing a new consensus on planning concerns, the town is merely playing with the cosmetics of a sinking ship.

Frankly, the well-being of the rest of the county can't afford it.

THESE MEN IN IRAQ ARE
THE NATION BACK IN

We kn

IT is 50 years since 101st Airborne Division of U.S. Army took nine kids to school.

American soldiers swore to defend American soil. American interests had descend upon an American city with bayonets fixed to protect American children from a mob of American adults screaming blood murder at their attempt to attend an American school. Because, you see, the adults had pale skin, and the children's skin was dark.

From the vantage point half a century, it seems absurd drama. You shake your head at the fatuity of adults in the old news foot their mouths twisted, clenched, eyes aghast, and marvel that they were driven to such a fury, such a madness, by so innocuous an event. You wonder what in the world they could have been thinking.

Nick Woerner, Town of Ulster Supervisor
1 Town Hall Drive
Lake Katrine, NY 12449

Re: Mid Hudson Valley Zoning Petition

Mr. Supervisor:

At a previous Town Board meeting Ms. Concetta Chandler, owner of the residential property on Stoll Ct., stated that her father, Mr. Joseph Ditolla, had been taken advantage of by the Town when the zoning boundaries were adopted. On the contrary, Mr. Ditolla's best interests were being protected by the town, in fact Mr. Ditolla's residential lot on Stoll Ct. was placed in the residential section of the town and the commercial lots remained in the commercial section of the town. These were separate lots then and should remain separate lots now. At the time the zoning boundaries were adopted it protected the integrity of his and the neighborhood's residential character. It was a great idea at that time and it should remain in tact because it is in the best interest of the town to have a separation between commercial and residential properties which enhances the characteristics of the Town of Ulster.

Gentleman from Audience
Exhibit #5

STATE OF NEW YORK
COUNTY - Ulster
TOWN - ULSTER
SWIS - 515400

2007 F I L A S S E S S M E N T R O L L
T A X A B L E SECTION OF THE ROLL - 1
TAX MAP NUMBER SEQUENCE
UNIFORM PERCENT OF VALUE IS 069.00

812
VALUATION DATE-JUL 01, 2006
TAXABLE STATUS DATE-MAR 01, 2007

| TAX MAP PARCEL NUMBER | PROPERTY LOCATION & CLASS | ASSESSMENT | EXEMPTION CODE | COUNTY | TOWN | SCHOOL |
|------------------------|---------------------------|------------------|---------------------------|---------------|--------|-------------|
| CURRENT OWNERS NAME | SCHOOL DISTRICT | LAND | TAX DESCRIPTION | TAXABLE VALUE | | |
| CURRENT OWNERS ADDRESS | PARCEL SIZE/GRID COORD | TOTAL | SPECIAL DISTRICTS | | | ACCOUNT NO. |
| ***** | | | | | | |
| 48.42-4-1.100 | Stoll Ct | HOMESTEAD PARCEL | | 48.42-4-4.100 | | 110251.100 |
| Ditolla Angelo | 311 Res vac land | | COUNTY TAXABLE VALUE | 27,000 | | |
| Chandler Concetta | KINGSTON CONSOL 510800-99 | 27,000 | TOWN TAXABLE VALUE | 27,000 | | |
| 1089 Morton Blvd | FRNT 320.00 DPTH 93.00 | 27,000 | SCHOOL TAXABLE VALUE | 27,000 | | |
| Kingston, NY 12401 | EAST-0592300 NRTH-0714920 | | FD181 Ulster fire no. 5 | 27,000 TO | | |
| | DEED BOOK 03560 PG-00337 | | WD181 Ulster water | 27,000 TO | | |
| | FULL MARKET VALUE | 39,130 | SW181 Ulster sewer | 27,000 TO | | |
| | | | LB181 Town library | 27,000 TO | | |
| | | | FD185 Ulster fire #5 bond | 27,000 TO | | |
| ***** | | | | | | |
| 48.42-4-5 | 1089 Morton Blvd | HOMESTEAD PARCEL | | 48.42-4-5 | | 110250.000 |
| Ditolla Angelo | 210 1 Family Res | | STAR B 41854 | 0 | 0 | 27,040 |
| Chandler Concetta | KINGSTON CONSOL 510800-99 | 66,500 | COUNTY TAXABLE VALUE | 124,200 | | |
| 1089 Morton Blvd | FRNT 453.00 DPTH 162.40 | 124,200 | TOWN TAXABLE VALUE | 124,200 | | |
| Kingston, NY 12401 | EAST-0592370 NRTH-0714730 | | SCHOOL TAXABLE VALUE | 97,160 | | |
| | DEED BOOK 03560 PG-00333 | | FD181 Ulster fire no. 5 | 124,200 TO | | |
| | FULL MARKET VALUE | 180,000 | WD181 Ulster water | 124,200 TO | | |
| | | | SW181 Ulster sewer | 124,200 TO | | |
| | | | LB181 Town library | 124,200 TO | | |
| | | | HD141 Ulster road benefit | .00 MT | | |
| | | | FD185 Ulster fire #5 bond | 124,200 TO | | |
| ***** | | | | | | |
| 48.42-4-6 | 1157 Morton Blvd | HOMESTEAD PARCEL | | 48.42-4-6 | | 136502.000 |
| Burt Steven E | 270 Mfg housing | | STAR B 41854 | 0 | 0 | 27,040 |
| Burt Julie R | KINGSTON CONSOL 510800-99 | 49,800 | COUNTY TAXABLE VALUE | 79,500 | | |
| 1157 Morton Blvd | FRNT 212.40 DPTH 162.40 | 79,500 | TOWN TAXABLE VALUE | 79,500 | | |
| Kingston, NY 12401 | EAST-0592310 NRTH-0714510 | | SCHOOL TAXABLE VALUE | 52,460 | | |
| | DEED BOOK 03479 PG-00050 | | FD181 Ulster fire no. 5 | 79,500 TO | | |
| | FULL MARKET VALUE | 115,217 | WD181 Ulster water | 79,500 TO | | |
| | | | SW181 Ulster sewer | 79,500 TO | | |
| | | | LB181 Town library | 79,500 TO | | |
| | | | HD141 Ulster road benefit | .00 MT | | |
| | | | FD185 Ulster fire #5 bond | 79,500 TO | | |
| ***** | | | | | | |
| 48.42-4-7 | 1046 Stoll Ct | HOMESTEAD PARCEL | | 48.42-4-7 | | 134938.000 |
| Smith Harold F | 210 1 Family Res | | STAR EN 41834 | 0 | 0 | 51,210 |
| 1046 Stoll Ct | KINGSTON CONSOL 510800-99 | 23,200 | CBT VET C 41132 | 27,075 | 0 | 0 |
| Kingston, NY 12401 | FRNT 100.00 DPTH 92.50 | 108,300 | CBT VET T 41133 | 0 | 27,075 | 0 |
| | EAST-0592170 NRTH-0714500 | | COUNTY TAXABLE VALUE | 81,225 | | |
| | DEED BOOK 01501 PG-00028 | | TOWN TAXABLE VALUE | 81,225 | | |
| | FULL MARKET VALUE | 156,957 | SCHOOL TAXABLE VALUE | 57,090 | | |
| | | | FD181 Ulster fire no. 5 | 108,300 TO | | |
| | | | WD181 Ulster water | 108,300 TO | | |
| | | | SW181 Ulster sewer | 108,300 TO | | |
| | | | LB181 Town library | 108,300 TO | | |
| | | | FD185 Ulster fire #5 bond | 108,300 TO | | |
| ***** | | | | | | |

Nick Woerner, Town of Ulster Supervisor
1 Town Hall Drive
Lake Katrine, NY 12449

Re: Mid Hudson Valley Zoning Petition

Mr. Supervisor:

I would like to bring to your attention and the entire Town Board's attention that this issue of a zoning change for the property on Stoll Ct. has been presented to the board previously. The Town Board at that time voted unanimously to turn down this request. With this being stated, I wish to express to the board that the Credit Union is a good neighbor. However, they have partially contributed to their own hardship by adding the front vestibule to their building and the five drive-up windows in their parking lot. This eliminated valuable parking spaces, as a result they are now asking for additional parking on the adjacent property which needs a zoning change to complete. If the Credit Union is a good neighbor they would work in the boundaries of the commercial property and not infringe on the surrounding residential area.

In addition, keep in mind that once the zoning change is made there is know guarantee that the proposed parking lot will remain a parking lot for the entire life of the land use. Therefore, it is imperative that the commercial property remain commercial and the residential property remain residential.

Karl Fitter
Exhibit #6